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Monday June 10th 1839.

Met agreeably to adjournment. There were present the following gentlemen viz: Messrs. Slidell — Gordon — Bradford — Forstall — Hort — Tyler — & Maxwell.

Mr Maxwell presented the following statement to which he was sworn.

Observations by James Maxwell Melter & Refiner for the Branch Mint of the United States at New-Orleans made to be verified pursuant to the requirements of the investigating committee in reply to the various letters which have been submitted by the Superintendent.

The charges against me contained in those letters are so various, & so intermingled with charges against others; & so many matters are mixed up therewith, foreign to what I consider subject matter for the proposed investigation, that I have found it extremely difficult to decide in my own mind, what I am expected to notice, or reply to.

The object of the Honorable the Secretary of the Treasury, would have been better attained, had distinct charges been made, or articles of impeachment been formed, thus furnishing something tangible to refute, in place of the crude opinions of prejudiced & incompetent persons. This circumstance. I prefer to defer my principal notice of the subject, until after the testimony has been furnished

I however understand the subjects to be enquired into are:

1st The character of Mr. Maxwell, about which others, — not himself must speak.

2d His capacity for conducting the business which has been entrusted to him to which he replies, let the tree be known by its fruit.

3d How far any blame can attach to him for the delays which have taken place in meeting public expectation, in supplying them with the coin of the United States.

4th Whether or not he has withheld, from the Officers of the Mint, information he was bound to have given & how he has treated the persons employed therein.

5th Whether, or not he has improperly conspired with the Coiner, for the purpose of restraining Doctor Wm P. Hort from intermeddling with that part of the business of the Mint, which did not appertain to the duties of his Office, or for any other purpose.

6th Into all the circumstances attendant on the deposit of Bullion, supposed to be 200 Mexican Dollars, about the 20th April last by Damien Casas, together with the manner of keeping the Accounts of the institution.

7th As to the excess of Bullion returned by Mr. Maxwell to the Treasurer beyond that charged.

8th How far Mr. Maxwell is obnoxious

to the charge made by Doctor Wm. P. Hort, Assayer, of the New Orleans Branch Mint in his letter to the Superintendent of the 13th. of May, viz: "The Melter & Refiner has so far forgotten himself, as to state to Messrs. Alexander Gordon, & Placide Forstall of the firm of Lizardi, that they had been wronged by errors in Assaying to the amount of $150, which sum, they ought to demand from the Treasurer of the Mint. I care not for any attack made upon myself by the Melter & Refiner, but I regret deeply that at a period when this Branch Mint is assailed by the Bank Presses & by the Whig Party in Congress, so as in the opinion of its best friends to make its situation critical, & its existence precarious, an Officer should be found so closely allied with the opponents of the Mint & of the administration as to pursue a course, the most imminently calculated to destroy the confidence of the Public, & to give a death blow to the Institution. Last July when the Melter & Refiner charged me with a loss of about 4 lbs of gold, there was so much prevarication, misrepresentation & evil design, that in my letter to you on the subject, I stated, that hereafter, whenever I might be charged by the Melter & Refiner with having made false assays, I should require a creditable witness to identify the Bullion."

The vituperations of Doctor Hort would not be worthy of my notice, had I not been furnished with his defamatory letters by the Superintendent, & had not the Superintendent transmitted a portion or all of his letters to the Director of the Mint at Philadelphia in support of his recommendation of the removal of myself & the Coiner — this letter of Doctor Hort states, that as early as July last, he had taken his position against me, since which he appears to have been watching over me for evil, as there has been little, or no intercourse between us since that period; & consequently but little opportunity to entrap him, if I had been disposed to do so, which has not been the case, unless, a proper zeal to detect his errors be considered in that light.

In another letter of Doctor Hort under same date, say of the 13th of May 1839 to the Superintendent he remarks. "There is no difficulty in accounting for the excess of which he complains & which seems to be such a heavy burthen on his conscience."

Now with all due deference for the Doctor's Wisdom, I beg leave to say, that I think it would have been better had he omitted his sarcastic allusion to my consciencious scruples — they are matters between a higher power & my own bosom a Republic that I do not allow man to invade.

I do not consider Mess. Gordon, Forstall, Zacharie, or the Officers of the Exchange Bank as enemies of the Mint — on the Contrary, among its patrons & most extensive supporters: be that, as it may, I hope, & trust that my conscientious scruples, or sense of honor which ever the gentleman pleased would not allow me to conceal from them a discovery of gold among their bullion which had escaped the notice of the assayer.

I wish Mess. Alexander Gordon & Placide Forstall of the firm of Mess. M. De Lizardi & Co. to be examined as to my communication with them, when it will be seen, whether, or not I held improper conversation with them, or went beyond the authority of the Superintendent in his letter in words & figures following:

U. S. B. Mint New-Orleans
June 29th 1838.

James Maxwell, Esq.,
Sir,

I have to request that you obtain from M. De Lizardi & Co. what information can be had in relation to their deposite of Bullion in this Branch Mint on the 12th April last particularly as to five pigs said to contain gold, its value &c. —

& Oblige &c
David Bradford
Supt.

This letter is now in my possession in readiness to be produced when called for. The charge is false which says: that *I am closely allied with the opponents of the Mint, & of the administration, & aiding the Bank Presses & the Whig Party in Congress in such a course as to make its situation critical, & its existence precarious* — It is equally untrue, that I am in any way closely allied with those men. Let the proofs be forth coming, & let the accuser stand or fall by the truth, or falsehood.

I consider my politics like my Religion as long as I do not intermeddle, not open for any enquiry, or to be questioned by others; yet it must not be disguised, that so far as I have any politics they are what is termed Whig. After having made this avowal, it may not be amiss for me to say, that I do not trouble myself with political subjects, excepting perhapes a casual remark. I have not voted, either at the North, or in Louisiana since I have been in the employment of the United States Mint. I have avoided Political meetings & attended only one — that was a Jackson meeting at Cincinatti, to hear Doctor Duncan explain his views. to which I was attracted more by curiosity, than by any political bias.

I have not in the same length of

time written, or aided others in writing, any political article, or articles relating to the Mint, or its business for the press — I have not held any political conference, or correspondence on political subjects — I was employed to labour in my profession as a melter & Refiner, to which I have given the most studious attention, & my exertions have been rewarded with the most triumphant success. I have a family; & we are entirely dependant on the salary awarded for my services for our support, which were known to Doctor Hort. How then could he, without a particle of proof, for one moment believe, I would so far lose sight of my own interest, as to join the Bank press & Whig members of Congress in a war on the New-Orleans Branch Mint if any such war exists? Here I beg leave to express a total disbelief of the existence of any such war, excepting in the fruitful imagination of Doctor Hort.

Having thus demonstrated the wickedness, & falsehood of this part of the Doctors statement, I do not feel called on at this moment to notice the other numerous intimations, insinuations, & allusions contained in his letters — nor would it have been worth my while to notice the unpardonable attempt to put at hazard the very existence of the New-Orleans Branch Mint by mixing its business & affairs with party politics had not the Superintendent not only lent himself to such a project, but attempted to usurp & convert the influence of the Collector of the Customs to the same unholy purpose, by representing to that officer in effect, if I rightly understand his letters, that the cause of his not receiving coin agreeably to promise, was a political conspiracy between Mr. Tyler the Coiner, & myself, & thereby may have drawn from the Collector the natural expression, "Then let them be dismissed" & from this authority the Superintendent proceeds to write to the Secretary of the Treasury on the 18th May 1859, that Mr. Breedlove heartily approved of all he had done, consequently concurred with him in the opinion, that the Melter & Refiner ought to be removed at the same time, knowing that the Melter & Refiner's duties were in advance of all others, & fully equal to the wishes & expectations of the government, & that no delay had ever taken place in the work of his department, on the Contrary, that his men had often been idle for want of Bullion to melt, & when he knew that Mr. Breedlove knew nothing of the merits of Mr. Maxwells conduct beyond what he, Mr. Bradford, had communicated, & consequently adding his opinion did not add any testimony or information worthy of the Honorable Secretary's notice.

I was very anxious that Mr. Breedlove should have been present, & heard the proof which will be offered

& in conjunction with the Coiner addressed, for that purpose, a letter to the District Attorney, requesting that he might be invited to attend, confident that he had sufficient intelligence & familiarity with books, & accounts to detect the imposition that had been practised, & sufficient integrity & energy of character when thus convinced, to exert his influence in the cause of truth & justice where it now appears it was intended he should (at Washington) unknowingly exert a different influence.

The Superintendent not satisfied with endorsing the calumnies of Doctor Hort writes to the Honorable Secretary of the Treasury under date of May 13th. 1839; "Whatever may be the motives of these Officers in producing this public dissatisfaction whether from aversion to the views of the administration of the Government, or otherwise their conduct is such as to be & actually is destructive of all harmony (having no hope of its being restored) between them & the other Officers & fatal to the true interests of the institution; I have therefore a painful official duty to perform, that of reporting to you for the decision of the President that Rufus Tyler, Coiner, & James Maxwell Melter & Refiner in this Branch Mint ought to be removed. Should further details & proofs be required on this application I am prepared promptly to furnish them."

And on the 16th. May 1839 to the Director of the Mint at Philadelphia that "in May 1838 the Melter & the Coiner of this Branch Mint several times in conversation stated that; "they must get rid of every Southern Officer, Creoles, & all who could speak French, that their places should be supplied from Philadelphia, & that then they could mange the Mint as they pleased"."

And again on the 26th. May, he writes to the Director of the Mint, "I have it from undoubted authority that upwards of 12 months ago, Mess Tyler & Maxwell matured their plans to get out of office every Southerner, Creole, & every one who could speak French & have their places supplied from Philadelphia when they said they would be able to manage the Mint as they pleased."

When the proofs come in, I shall be better prepared to meet these charges, I have no recollection of having held any such conversation & declare the statement false in the sense in which it is put forth, & if these remarks had been made in May 1838 they have, if they furnish a good ground, for complaint, been allowed to slumber rather long: It seems rather far off to call them up at this time in an enquiry into matters of defence, emanating principally from charges made by a son of the Emerald Isle, no way related to Southerners, Creoles, or to the French.

I have not any prejudices against the French, the Creoles; or the Southerners.

This attempt to enlist the political feelings of the President of the United States, & of the Honble, the Secretary of the Treasury by creating an unwarrantable prejudice cannot escape their intelligent minds; & the proofs of the incapacity of some of the Officers & the devices resorted to, to conceal such incapacity by lighting false fires, will, when, this investigation closes be as vivid & penetrating as the rays of the Meridian sun, when the National administration with their honest solicitude for the success of the New-Orleans Branch Mint will know where to apply the pruning knife.

If there has been any wrong in my conversations in relation to the excess of Bullion, or otherwise let the whole blame fall on me individually – the Bank presses, or the Whig Members of Congress had no part therein nor had Mr. Tyler the Coiner – so far as he has any politics known to me they are like those of his father & family, adverse to the Whig party; but both of us have had such constant occupation in conducting the business of the Mint in our different departments that we have had no time to talk politics & therefore I am unable to speak with certainty as to which side he belongs.

The aggregate of the Gold delivered to me turned out about $550 more than it was assayed by Doctor Hort– it is in the Mint & the accuracy of my account may be tested. I keep a regular memorandum book in which I record the different parcels separated from which I think I could in most cases come to a satisfactory conclusion to whom the excess belonged.

It was my practice when about to receive Bullion from the Treasurer to copy from the Weigher's book the number, weight, & depositor's name, & when received by me to check it off as a merchant does the receipt of goods on his Invoice Book the same being copied therein before the goods are received. This was done on the 16th April 1839 in relation to Nos. 97 & 98 each $86\frac{50}{100}$ oz. they were not received which fact was made known to the Treasurer or his Clerk – On the 22d of same month I copied from the weigher's book his account of sundry other parcels embracing No. 98. & when I came to receive them No. 98 was deficient which led to an investigation when I discovered that two leaves had been cut out of the book of original entry the two leaves after much excitement & delay were produced from which it appeared that the deposit in question of Damien Canas had been originally entered as No. 100.

& that from the new leaves were excluded the deposites No.s 97 & 98 which had not been delivered to me but probably put into the Treasurer's Vault to be held until the small deposites should reach $2000 & thereby economise in the expense of melting. Opposite No 98 on the new leaves was inserted the deposite of Damien Casas which had been recorded No. 100 on the purloined leaves when received.

I became alarmed & called for an investigation which being as I supposed refused I became excited, & declared that there was fraud — this I maintain, whether there were moral turpitude intended or not it was a legal fraud thus to tamper with & despoil the Record or book of original entry of a great national monied Institution, be the nature what it might.

What became of this deposite of Casas originally numbered 100 & altered to 98 I know not, I never saw it and certain it is, that it never was received into my department, & never melted. the weight put down on the Weigh book by the Weigher when received was 10 ounces more than the actual weight and he says that when it came back from the Melter in bars he reweighed ~~it~~ & recorded such weight & this record exhibits the same error of 10 ounces as the record of the original receipt a case scarcely possible to make the same error of 10 ounces in a lot of only two hundred dollars, at two different periods, a bungler might in both Cases have made errors but I repeat that it was scarcely possible even for a bungler to have made the same error in weighing the bars when they came back from the Melters as he did in weighing the Coin before it was melted.

Pending my enquiries Mr. Dimitry the Weigher, said that in case it could not be found he would make it up, to which I replied, that is a matter of no consequence, it is the principal I am contending for &c.

Supposing it might have been put into the Treasurer's vault with $200 originally numbered 97 & 98 which had been received, weighed entered on the Weighers book and not delivered to me; together with other small parcels of similar coin which had been received & small coin given therefor. I requested to have the amount on hand which had been so received, examined; it was, and turned out to be about $1300 of which the Weigher could only account for the receipt of $900; about that time Mr. Bradford declared himself satisfied that I had not the bullion & offered me a letter of exoneration.

I think an examination of the weighers & Treasurer's books will falsify the statement of the Superintendent on this subject. Afterwards Doctor Hort declared that he was satisfied it had not been assayed & subsequently when the Treasurer delivered me an account current this item in the aggregate was charged, on representing to Mr. Bradford that there was an error he informed me that Casa's deposite had been included of which he had directed the Clerk to make a note on the a/c, that he was surprised to perceive that the Clerk had omitted to make this note, which I understood him to mean, was to have exonerated me from liability for that item.

Lately new positions have been assumed and new devices resorted to, to make it appear that I had received this Casas deposite; all shall be noticed as soon as the testimony shall be adduced as also the Confusion of the numbers with which I had no part nor lot, further than that in reference to No. 99 two parcels, Nos. 1&2, I advised that their practice be discontinued in such cases & the numbers be continued in regular succession, a number for each parcel in place of a number for each deposite omitting the additional numbers of 1& 2 which I believed to be the practice at the Philadelphia Mint in similar cases.

The charge is false so far as I am concerned, made by Mr. Bradford in his letter of the 26th May 1849 to the Director of the Mint viz: "It was concerted by Messrs. Tyler & Maxwell that Mr. Tyler should give the assayer sufficient employment in assaying planchets & pieces of silver to keep him out of the Treasurers office, This plan was steadily followed up." As to the charge of withholding information, I am not aware of having withheld any I was bound to give, on the contrary I have taken great pains to enlighten persons connected with the

Mint as to the proper manner of conducting its business and especially in keeping its accounts, which from the circumstances of having been in the employ of the Mint at Philadelphia I was requested to do by the Director.

On one Occassion I referred to my memorandum book in a conversation with the Superintendent, he replied in substance, that my books were of no avail, & not known or recognised by law, & unnecessary; & that he should not regard them.

Subsequently on the 8th May 1839, he called for a report, which could only be made from my books — on which occasion I notified him of that fact, & demurred, on account of his want of respect for my books — when on the 11th of same month he repeated his application for the report in words & figures following:

U. S. B. Mint New Orleans
May 11th 1839.

Sir,

On the 8th instant I wrote to you to report to me in writing "such specifications & details as you have verbally intimated to me "in relation to an excess of gold of 28,059 oz as stated in the Account you handed me on the 6th inst and" any further information on the matter you may have to communicate.

On this day you write me that "as the details I would have to make in reference to this matter would be gathered from my account books & as you said in an interview with me a few days since that they were of no account not being recognized in law, it would appear to me improper to say more than what I have verbally stated to you. However if you should change your views in regard to the utility of my books I shall be happy in giving you such information as I possess to assist you in apportioning the excess of Gold to the proper depositors.

I have directed that "Specifications and details" communicated to me verbally, be reported in writing, and any further information on the matter you may have to communicate, & as I do not consider your letter of this date a compliance therewith, I have to again direct that you report to me in writing the specifications details, & information above mentioned. Your Hum. Servt.

David Bradford
Supt.

To/
James Maxwell Esq.
M & Refiner
B. Mint N. O.

The information was promptly given on receiving the aforesaid letter & I am not aware of any other occurrence at which exception had been taken.

It is true that public expectation in receiving coin from the New-Orleans Branch Mint has not been realized to the fullest extent the fault has not been in the Melter &

Refiner's department the Coiner having at all times been furnished with more than he could coin, & until I heard read the representations of the Superintendent. I was ignorant that any part of the delay had been ascribed to me or my department: & the men employed therein have lost much time for want of Bullion & I have frequently pressed the Superintendent to exert himself to get more:

I believe the principal delay has been in the Coiner's department arising in the main from the difficulties incident to putting into successful operation all new Institutions with complicated machinery which requires to be adjusted & regulated to perform with the greatest exactness & although this has taken much time as far as my knowledge extends, the principal difficulties have been overcome

It was late before the Gold dies were received, about the time of their being received the coining of small silver change was going on, the public was so much in want of this for circulation in consequence of the return to the use of silver, in place of the small bills which had inundated the country that it has been impossible to supply a sufficient quantity to satisfy them—this however I think will soon be done, if the Coiner be permitted to go, on with his work without improper interruptions.

In relation to my accounts, the cause of my dissatisfaction will be better understood when the books, & vouchers are produced, than from any thing I can here state. I did not mean to be understood as dissatisfied with the result of the settlements, but with the insecure manner in which the accounts were made up

I think that due regard has not been paid to the 20th section of the law supplementary to the act entitled "An Act establishing a Mint & regulating the coins of the United States:" and I feel that my own security, as well as that of the United states, requires that all the checks & guards provided by law & imposed by the Direction of the Mint should be studiously adhered to, & at the proper time — how far this has been done will probably appear in the course of this investigation.

I believe the instructions from the Director are, that the Treasurer shall furnish the Melter & Refiner monthly with a warrant of bullion delivered the previous month & that the Melter & Refiner receipt and return it to the Treasurer in place of which, according to the best of my recollection only one warrant for gold, & one for silver has been given since the commencement of the operations of the Branch Mint at New-Orleans, & that no warrants, or receipts have been furnished for the ingots delivered by the Melter & Refiner since August last, & that those then furnished, were deemed to be informal, & returned on a promise that more formal ones should be furnished, which promise has not yet been complied with.

As to ~~persons~~ my treatment of persons employed in the N.O.B. Mint & particularly the men employed in my department, I wish them examined, when I presume that it will be found that their testimony will not sustain the representations of the Superintendent.

As to my character, & capacity I leave others to establish all that may be necessary in relation thereto.

James Maxwell.

James Maxwell being duly sworn says, the facts set forth in the preceding papers so far as are known to himself are true & that what he has stated from the information of others he believes to be true.

James Maxwell.

Mr. Tyler not having received until a late day a copy of the documents to be furnished to him, asked & obtained an extension of time, Friday next was appointed.

Mr. Bradford submitted the following charges.

U.S.B. Mint New Orleans June 10th 1839.

To Thos. Slidell Esqr. U.S. District Attorney.

Sir,

In conformity with the intimation you made on the 3d inst that you would effect at your next meeting, for the p 1st for the purpose of investigating the differences among the officers and the difficulties of the institution, a written statement from each of the Officers, I submit the following.

The grounds on which I recommended the removal of the Coiner & the Melter & Refiner of this Branch Mint, may be embraced in the general charge of official misconduct.

1st In relation to the Coiner in his assuming at an early period after his arrival for his department and taking possession of the same divers vaults, rooms and apartments not designed for him — he, being well acquainted with the original design of the same and it being before the plans and drawings of the Building were seen by me by which great embarrassment and irregularity in the operations ensued.

2d In his uniform hostility manifested to the Steam ~~Engine~~ Coining Presses (patented as I am informed by Franklin Peale) which were furnished to this Branch Mint by the Director the pretended alterations and readjustment of which occasioned great and unnecessary delays in the operations of this Branch Mint and injury to the public service

In the Months of February or March 1838 I mentioned to the Coiner that I was informed that Mr. Peale would be sent on to inspect or organize this Branch Mint for operations. The Coiner replied that if Mr. Peale came out for that purpose he (the Coiner) would have nothing more to do with this Branch Mint. Soon after the Coiner stated to me that seven Presses ought to have been furnished for this Branch Mint besides the three Steam Coining Presses which we have — that the latter were greatly defective — that the process of Coining with the Steam ~~Engine~~ Coining Press had not the test of experience in its favour — that the Chief Coiner in Philadelphia had no confidence in them and had told him that in less than five years they would be disused and the old method of the screw press would be restored in all the Mint establishments in our nation. I showed him a letter of the Director, dated 2nd June 1838, informing me that the Steam Coining presses in Philadelphia worked well. He said the Director did not know whether they worked well or not, that they took care not to let him know when they were out of order or when any thing went wrong.

I have been informed, and believe that the Coiner stated to some of the Workmen that all the Machinery that came from Philadelphia must be condemned and remodelled by him so that he could call it his own — that the Steam Engine & Boilers have been so managed as to tend to their speedy destruction — that the Coiner has spoken of having another Engine made after his plans by Mr. Baldwin of Philadelphia, his brother-in-law — all in dereliction of Official duty and manifest~~ed~~ing in my opinion an inexcusable disregard of the public interest.

3d. — The Conduct of the Coiner in relation to a skeleton key has been embarrassing to the Superintendent & in my Opinion highly reprehensible.

In March or April 1838 the key of my Office, as well as those of many of the working rooms, was often missing and not to be found among the great number of keys for the establishment I was at this time politely furnished with a skeleton or master key by the brother of the Coiner who remarked to me at the time that the Superintendent ought to have such a key as it would enable him to visit the different rooms without detention for want of the several keys thereof. The Coiner also had a skeleton key which he told me he was under the necessity of making or having made, as often the requisite key of some of some of his rooms was not to be found when wanted. I found on trial that my key was cal

culated

culated to open all the ordinary doors of this Branch Mint, the locks of the Vaults being of a very different description. Shortly after I found the locks to the doors of several of the rooms in the Coining Department had been altered so that the key I had, would not open them as it had often done before on my taking visitors through the Mint and on other occasions. The Coiner told me he had altered his locks; Hearing that the Treasurer's Office had been opened after the Clerk had locked it and taken the key with him, I requested Mr. M. P. Denney, foreman in the Coining department, to alter the lock and make a key for it, so that no skeleton key could open it. He did so & desired me not to let the Coiner know that he had altered the Treasurer's lock. I have since been informed & believe that the Coiner discovered that the Treasurers lock had been altered by Mr. Denney, who was soon after dismissed on account of it by the Coiner. I enquired of the Coiner the cause of his dismissal which he declined giving, saying that he would have to resign, if required to give his reasons for discharging him. Some time after the key of the door of the Treasurer's Office having gotten out of order was taken by one of the Porters to the Machine shop for the trifling repair of a rivet, when the Coiner prohibited his men from repairing it and it had to be sent to a shop in the City.

4th The conduct of the Coiner in delivering Bullion to be remitted to the M & R. in the month of December 1838 was contrary to Law & the express directions of the Superintendent.

The proceedings in transferring Bullion from the Treasr to M & Refiner & ingots from the latter to the former, in delivering ingots by the Treasurer to the Coiner, were irregular up to the 1st of August last, the instructions not being received till about the 11th of June.

On the arrival of the Coiner & M & R. in November last, I directed that every proceeding in the transactions of the Treasurer & Coiner & M & R. should be in strict conformity to Law & the instructions from the Director. But, notwithstanding the Coiner told the undersigned about the last of December that he had got the Melter & Refiner to remelt some ingots or strips for him, all in violation of Law, the instructions from the Director & the directions of the Superintendent.

5th In April 1838 the Coiner & M & Refiner stated to me that the assayer was not accurate in his assays. I proposed witnessing the operations of the assayer, thinking from my knowledge of Chemistry, that I could ascertain his correctness or errors. This proposition the Coiner strenuously opposed. The Coiner continued after the report of the re-assays dated May 22d & July 7th at Philadelphia, stating that the assays of the Assayer at this Br. Mint "were quite satisfactory" to harrass the Assayer by getting him to assay pieces of silver almost incessantly, & altogether unnecessarily; all in dereliction of official duty & injurious to the Public service.

6th That the Coiner must be informed, that it is a regulation of the Mint at Philadelphia, that at the beginning of a year the dies of the preceding year, are subject to positive destruction by the chief Coiner & Engraver, yet when the Superintendent in March 1839 suggested to the Coiner that probably it would be best to send the dies of 1838 to Phila he treated the proposition with little regard, saying that we could keep them as safely as they could.

7th The conduct of the Melter & Refiner, other than is detailed in articles 4 & 5. to which I would now refer will be found in my letters to the Director of the 16th 19th 25th & 26th of March last, & in the letters of the Assayer to me of the 13th (two of this date) 14th of May & 4th instant.

8th I must add to the foregoing the general want of courtesy & propriety in the Coiner & the Melter

& Refiner, manifested generally in their intercourse with the other officers & the persons employed in this Branch Mint, by which the harmony of this institution is continually kept disturbed.

Very Respectfully
Your Hum^{le} Servt
David Bradford
Supt.

Mr Bradford was here called upon to produce copies of the letters addressed to him, Mr Bradford, by Dr Hart the assayer

Mr Bradford produced them in the words & figures following viz:

Letter No 1.

David Bradford Esq.
Supt Br Mint N. O

Assayer's office 25th April 1839

Sir,

When invited by you to meet the officers of the Mint yesterday for the purpose of investigating a certain affair which has transpired in the Treasurer's office, I felt it my duty to decline, from a sense of propriety & decorum. You are aware, Sir, that there is one of the officers, with whom I cannot deliberate on any business personally; who is always thrown into a violent paroxysm of passion, when I happen to differ with him in opinion, & whose language under this excitement is ungentlemanly, overbearing, insulting & discourteous. I was however as anxious as any of the officers to investigate the affair, & I have alone in my office attentively & patiently considered all the facts of the case, & now have the honor to submit my opinion

It is evident that unless the numbers stamped on the Bullion which has been melted by the M & R. previous to its being assayed, correspond with the numbers of the deposites in the Weigh Book, it is impossible for the assayer to identify a deposite when called on to make the assays. On the contrary no difficulty whatever can exist when the numbers correspond, & when, if there happens to be more than one melt in a deposite, the different melts are countermarked 1. 2. 3 &c. One Number, say 99. identifies each parcel of bullion with the entry in the weigh book, & the countermarking the number & succession of melts.

On Saturday 20th of April I was called to assay the deposites, & found two portions of Bullion each marked No 99. & countermarked 1. said to be one deposite, the first parcel a melt of hammered Dollars the second of French crowns.

No 100 in which I have since discovered a No 2. was pointed out as the second deposite & No 101 was the third, What reason had I to doubt that there were three deposites before me, as I saw the three Nos 99. 100, & 101. which correspond with the entries in the weigh book. Again although both parcels of Bullion pointed out to me as the two melts of the deposite No 99. were countermarked 1 & 1 instead of 1 & 2. I thought it was an oversight of the marker, & as the difference of weight & size identified the two seperate parcels, I was satisfied with the explanation I received. But now I am told that No 100 is the second melt of the deposite No 99. If so, what business had it to be so marked? & how could it do otherwise than mislead the assayer? The deposite has but one number in the weigh book 99. but, according to this system of marking, every thing is thrown into inevitable confusion. But I have no hesitation in saying that as it requires both the numbers 99 & 100 to make the weight of Ticknor's deposite there can be no doubt but, that No 100 belongs to that deposite & represents the French crowns, and that

30.

consequently the deposits of Damien Casas, which I had supposed to be assayed & for which I have given a certificate is missing. I have after repeated assays found a difference of 1 tho to exist between the two portions of bullion marked 99. & said to be one melt. There appears to be a difference of 2 tho from my report, because I deducted as is customary 1. tho from the largest melt, No 100 gave by actual assay 896, but I returned it 895, consequently by striking out the entry in my book, accompanied by an explanatory note, the error will be rectified so far as I am concerned. I have however, to request that the report of Damien Casas deposits be returned to me. The Melter & Refiner, therefore, as the titles of what I considered the second melt of Tuhnar & what I reported as Casas' deposits happened to be exactly alike, will experience no difficulty & sustain no loss by taking them as they now stand. Nos 1 & 1 of 99. = 894 & No 100 - 2. = 896.

My opinion of the whole affair is that Melter & Refiner is clearly exonerated & sustained in one of his positions in reference to Casas deposits, that the error must exist in the Treasurer's department; that the irregular numbering inevitably led me into error & always will, & that it had a principal influence in producing the error in the Treasurer's department

Furthermore I have to say that I firmly believe that the M & R. has repeatedly endeavoured to lead me into error so as to afford ground for accusation & my dismissal from office. From an abundance of facts in point, I select one by way of illustration. In the month of June last, when Mr Lilly was a clerk in the Treasurer's department, there was great irregularity & confusion in the numbering on the weigh book. I fortunately discovered it. And when I spoke to Mr Durel the chief clerk on the subject, he told me after consulting with the Melter & Refiner, that he had said, he had nothing to do with it, & that I might find it out as I could.

With Respect
Wm P Hort
Assayer

P.S. When I give my opinion that the Melter & Refiner is clearly exonerated & sustained in one of his positions & that the error must exist in the

Treasurer's department, I refer to the Bullion that I was called to assay on the 20th of April numbered 99 — 100 & 101. & that instead of those three deposites being there at that time, there were but two, Therefore the Treasurer had to produce another deposite & satisfy me by further evidence that the M & R had received but not returned it for assay.

N. O. 10th June

Wm P Hort.

Letter No 2.

D. Bradford Esq
Supt Br Mint
N.O.

New Orleans 13 May 1839

Sir,

In consequence of the wanton, unjustifiable & wicked attack made on Mr Dimitry the Treasurer's chief clerk, by Mr James Maxwell the M & R. in charging him publicly with fraud, & attempting to blast forever the reputation of a man in whom you, the Treasurer & myself have unbounded confidence, whose honor is unsullied, & who enjoys as much as any man the esteem & good opinion of his fellow citizens, I have deemed it my duty to investigate more fully the subject of the deposite of Damien Casas of $200.

The Hammered Dollars of Suhnor's deposite (No 99) weighed 321 oz. an amount of silver that the mould will easily contain. It is worthy of remark that they were divided into two parcels of bullion. It was unneceſsary, as it can not be supposed that either the M of R. or his workmen are ignorant on this subject, it would seem to have been done designedly to embarraſs, particularly when it is recollected that the second melt of that deposite consisting as it was then supposed of French crowns was marked 100, the number of Casas' deposite on the weighing book, whilst the two parcels of bullion resulting from the melt of hammered Dollars were marked 99. My attention is now called to the French crowns & what has become of them. In Philadelphia & here they have always averaged 909 thm whilst the Bullion returned by the M of R as being those crowns gave the title after repeated aſsays of 896, the average standard of Mexican Dollars. Tichnor who made the deposite is a Porter in the Merchants Bank & is considered by the money brokers as second to no one as a Judge of coins; the idea of their having been counterfeit coins is very improbable & there must have been many to make a difference of 13 4/10 on so small a deposite as 110 oz. The Cash in the Treasurer's office has been balanced & has been found to be right. The entries of weighing, reweighing & delivery to the M & R. of Casas' deposite are to be seen in the Treasurer's books, & *moreover on the M & R. own book*, a decisive fact of which I was not aware when I wrote my first letter. But again after these entries had been made on *the weighing book* & *on* the *M & R's book*, I am informed that the M & R aware that he was charged with Casas' deposite, stated to Mr Dimitry one day, that he ought to have a certain specified amount of Bullion in the vault, Mr D. proposed to weigh it, he was aided in the process by the M & R. & the result accorded within two or three ounces with the M & R.'s calculations. It is evident that his calculation must have been based on the entries in the weighing book, & seeing these entries, would he not have included Casas' deposite in the amount specified, if he had not received it? To my mind a certain conclusion that he did receive it. From the consideration of these new facts I am of opinion that the M & R has received Casas' & Tichnor's deposites, & that the Mexican Dollars o' Casas' deposite took the place, by design, or inadvertently, I pretend not to say, of the French Crowns, & that the French crowns have never been assayed, that they have disappeared & probably have gone into the pot with other bullion, a mistake that might easily occur when clippings are being melted, & when there are so many small deposites as we have had lately.

Respectfully yours
Wm P Eckert
Assayer

Letter No 3.

David Bradford Esq
Supt Br Mint N.O.

New Orleans 13. May 1834.

Sir,

About three weeks ago the Melter & Refiner reported to you (verbally) that there was an excess of 28 oz gold, that errors had been made in assaying certain deposites of Mess Zacharie, Lizardi & the Exchange Banking company, & that what these depositors had lost should be refunded to them by our Treasurer. I requested that an official written communication should be made to you on the subject, that I might have an opportunity to defend myself against such a charge. I asked for nothing but what was right just & necessary. For three weeks however this communication was withheld & in the mean time the Melter & Refiner has so far forgotten himself as to state to Mess Alex. Gordon & Forstall of the firm of Lizardi that they had been wronged by errors in assaying to the amount of $150 which sum they ought to demand from the Treasurer of the mint, I care not for any attack made upon myself by the M & R. but I regret deeply that at a period when this Branch Mint is assailed by the Bank Presses & by the Whig party in Congress so as in the opinion of its best friends to make its situation critical, & its existence precarious, an officer should be found so closely allied with the opponents of the mint & of the administration as to pursue a course the most eminently calculated to destroy the confidence of the Public & to give a death blow to the Institution.

Last July when the Melter & Refiner charged me with a loss of about 4 lbs of gold, there was so much prevarication misrepresentation & evil design, that in my letter to you on the subject, I stated that hereafter, whenever I might be charged by the Melter & Refiner with having made false assays I should require a creditable witness to identify the Bullion. I have more reason than ever to maintain this position. The assertions & Records of the M & R. are alike rejected by me, as testimony until he produces & identifies the bullion

& demonstrates by re-aſsays that he is right. I shall believe that he is as much in error now as he was last July.

There may be an exceſs of Gold, which however I believe can only be proved by re-aſsaying all the gold bullion on hand, or by working it up into Standard ingots. But then what has that to do with my aſsays. Errors in weighing may occur as well as errors in aſsaying and occasion a loſs or a gain of metal.

It is perhaps proper that I should aſsign one reason for my having no confidence in the Statement of the M. & R. made in his communication of this morning to you. I have kept a record of all the gold I have aſsayed for the M & R. since the settlement of his accounts last August, & I have witneſses besides, & I am confident that no man can identify bullion which is marked as the gold bars have been, they were numbered as follows:

21. Jany 1839.	1
	2
	2
	3
	0
15. Feby	5
	6

11th March	0
	1
1st april	1
19 april	0
4 May	0

How are bars that have no mark to be distinguished or identified? Or how is one Number 1 to be distinguished from another No 1. The moment I observed this way of marking, I was persuaded that another attack on me was preparing, & I find I was right in my conjecture.

There is an insinuation moreover, that I can not paſs by "In regard to the first Bullion "Separated it is difficult to say "what depositor should have the "exceſs, unleſs it be the C. B. Co. "the gold being returned at an "average, which to me is some- "thing new in aſsaying." That a man who knows nothing about aſsaying, should therein find something new is by no means surprising. But the insinuation that I averaged without aſsaying & consequently certified that I had done, what I had not done, I repel with the contempt it merits. It is a suspicion worthy of its author.

Every one of the Six numbers containing gold was aſsayed, the gold was separated from each one & the result confirmed by the humid assay.

I Remain Respectfully yours
Wm P Hort
Assayer

Letter No 4.

D. Bradford Esq
Supt Br Mint
New Orleans 13. May 1839

Sir,

Since I handed you a communication in the forenoon of this day, I have reflected on the subject under discussion & wish to state a few more facts.

Last year Mr Durel gave a deposite of Gold to the M & R. to be melted prior to its being assayed, it was returned with a loss of 2 oz or more than the Law allowed. Mr Durel observed it & stated the fact to the M & R, who replied, it is none of your business, Sir, the next morning however, he brought the 2 oz to Mr Durel, observing that he had found it.

On another occasion Mr Dimitry was engaged when the M & R. returned a deposite of Silver which he had melted; he weighed it & gave the weight to Dimitry, who observed it was short 11 oz or more than the Law allowed. The reply was "all that is nothing, we shall understand each other, it can be made up another time." However when Dimitry, on being disengaged, weighed the Bullion he found that it was about 22 oz short. On stating this fact to the M & R. that officer again observed "It is nothing, all we have to do is to understand each other, these situations in the Mint are very important when there is a good understanding. One of the officers in Philada was worth nothing when he was appointed & now he is worth $100,000.

Another deposite of Gold coins weighing about 5 oz was returned with a gain of 2 oz. Mr Dimitry pointed it out to the M & R. who said there must be some error & that he would take it back again & melt it again. He finally returned it at about the proper weight. Now if the Melter & Refiner poſseſses the art of making 5 oz of Gold weigh 7 oz, there is no difficulty in accounting for the exceſs which he complains, which seems to be such a heavy burden on his conscience

I beg to refer you to Mr Durel & Demitry for the truth of these statements, both gentlemen being prepared &

willing to give their testimony
before a Magistrate.

Respectfully
Wm P Hart
Assayer

Letter No 5.

David Bradford Esq
Supt US Br Mint
N.O.

New Orleans 14 May 1839

Sir,

You this day informed me that the Melter & Refiner persists in his charge of my having averaged, *or in other words guessed* at the amount of Gold contained in six melts of Silver of a deposite made by the Exchange Banking Co in May 1838, notwithstanding my *positive disclaimer* contained in the letter I addressed to you yesterday on the subject. He charges me then with a violation of my oath of office, & with two falsehoods recorded on the assayer's report relative to that deposite.

Self respect induces me to withhold from this infatuated calumniator, the application of the epithets of *wilful deliberate liar* & *base slanderer* which under any ordinary circumstances would with propriety be employed. However, Sir, for your satisfaction & to shew you how utterly ignorant this individual is of the subject of which he professes to be a perfect master, I invite your attention to the following extract from my Record book of calculations. I allude to the first deposite made in this Mint by the Mess. Lizardi in March 1838. That deposite consisted of 26. bars of Silver containing Gold, & presented the following results.

No 1.	5½	Milliemes of Gold
2.	4.	do
3.	5½	
5.	5½	
6.	5½	
9.	4.	
10.	5.	
12.	5.	
13.	4.	
14.	4½	
16.	4½	

Now of these eleven bars an assayer would be justified in reporting Nos 1. 3. 5. 6. 10 & 12 at the uniform title of 5 Milliemes & Nos 2. 9. 14 & 16. at 4 Milliemes.

The uniformity of title or result then on which the M & R. founds his malicious & ungentlemanly attack is not an extraordinary occurrence

This, by a reference to his books or to my reports, he might easily have ascertained, but it is evident that such a course did not suit his purpose.

Respectfully
Yrs.
Wm P. Hort
Assayer.

Letter 6th

D. Bradford Esq.
Supt Br. Mint N.O.

U.S. Branch Mint 4 June 1837.

Sir

I have to acknowledge the receipt of your letter of this date in which you call my attention particularly to those passages in your letters to the Director, in which you received information verbally from me, requesting me to state, if you have reported correctly, & where you have not clearly & fully detailed, that I should give a full statement of the same so far as my knowledge extends.

Mr Brown has repeatedly stated to me, as he has done to you, that a design existed to get rid of & keep out of this Mint all the citizens of this part of the country, whether Southerners, creoles, or French. But as he is here & can testify in person, I deem it unnecessary to say any more on the subject. He also informed me of the plan to keep me out of the Treasurer's office, when requested by you & Mr Forstall to render what aſsistance I could to Mr Durel, & on this point also, he can testify in person.

You are correct in observing that I was warned last year that every thing would be done to ensnare me, but it appears to me that the facts speak for themselves. I shall therefore proceed to give you such details as I have recorded or can recollect. On the first attempt to seperate gold about the last of March 1838, the Melter & Refiner became very much embarraſsed in consequence of having in the operation of restoring silver been unable to distinguish between Sulphuric & Muriatic acid. He became very much irritated & charged me with having led him into the error. Nothing could be more untrue; but that, if true, could not have availed him, as nothing is easier than to distinguish Sulphuric from Muriatic acid, & he must have been very ignorant of his busineſs, if he could not instantly have perceived the striking differences that exist between those acids. It is the more extraordinary, as he always claimed to be *perfect Master* of his buſineſs. The next charged me with errors in aſsaying the ingots prepared by him for coinage, because in the discharge of my duty I condemned 24 out of 34 melts of ingots. I, however, took the average of the 34 melts & found it to be 899.2 the correct standard. This occurred in April. Immediately after this he began to attack me about the aſsays of Gold & charged me with errors & loſses. Until at last he had a sum total of 4 lbs of Gold said to be lost by my false aſsaying. I wished to converse with him on the subject, to see if the difficulty could not be explained, but he became so furious as soon as I touched the subject, that I had to desist. On the 17th of April 1838 a deposite was made by Meſs. Lizardi of fine Silver, & some silver containing Gold. I reported as usual the quantity of Gold as well as the title of the Silver. When the M. & R. separated that gold, he called for a re-aſsay of the silver bullion containing Gold. When I went to the weighing room to take off portions for the re-aſsay I asked the M & R. what Bullion it was. He profeſsed to be ignorant on the subject (Therein he told the truth). As soon, however as he received my second report *he was able to identify the bullion* & charged me with a loss of 20oz of Gold & 17oz Silver, & asked that the Bullion should be returned to the Treasurer. Subsequently he acknowledged to you, Sir, that one of his men, Humphreys, had mixed the bullion so that it could not be identified. Under these circumstances he wrote a secret letter accusing me to Dr Patterson in which he confessed to me, that *he had gone all lengths.* To his utter confusion & to the utter discomfiture of this iniquitous scheme, the gold acct settled with the Treasurer & signed by the Treasurer and himself in July 1838 proved to be accurately correct, & that he had been entirely wrong — Comment on such conduct as this is unnecessary; I, however, addressed you a letter, Sir, in which I stated that if ever the M&R. accused me again, I should require the Bullion to be identified by a creditable witness. This letter he read, but in the last attack he has made on me, he appears to have forgotten the terms of controversy therein laid down.

I had returned 21. Melts of

Lizardi's deposite of 7 April a 999. It was as nearly pure silver as possible, without being submitted to the searching operation of the laboratory. The M&R, complained that I had not allowed him enough of wastage; I thought his complaint was reasonable, & wishing to do him justice, I deducted 2 Millièmes from 20 melts of Lizardi's silver on the 22 June. I wrote on a piece of paper which I have in my possession informing him of the fact. He returned the paper, writing on the other side "a weak device "of the enemy." You know, Sir, that these repeated insults, & numerous petty provocations I bore in silence at your earnest request, in order if possible to preserve peace & harmony.

On the 5th July I was called on to assay sundry parcels of Bullion deposited from the 22 June to that date by Mess. Lizardi, the Commercial Bank, & the Citizen's Bank. It is evident the Bullion should have been numbered in the order in which it was received, but it was numbered as follows;
From 1 to 23 melts of Lizardi's, then 3 Melts of the Commercial Bank, one melt of the Citizens Bank, & then the four last melts of the same deposite

of Lizardi ‡ The four last melts of Lizardi being separated from the 23 foregoing melts, by the interposition of 3 melts of the Commercial Bank, & one melt of the Citizen's Bank, it is evident that in my reports those 4 last melts of Lizardi would have taken the place of the deposites of the Commercial & Citizens Banks, & they would have taken in their turn the place of the 4 melts of Lizardi. This would have thrown every thing into confusion & caused great injustice to be done to some of the depositors, if I had not accidentally discovered it, & when I requested Mr Durel to state the circumstance to the M&R & ask for some explanation, the M&R told Mr Durel it was none of his business & that I might settle it as I could — The next case in point is that of 21. Jany 1839, which is detailed in my communication to you respecting a new charge of an *excess of Gold*. For all details relating to these cases I beg to refer you to my letters on the subject — Also to my letters in reference to Mr Dimitry & the Damien Casas affair.

You are aware of the frequent confusion in numbering which would have caused great loſs to some depositors & undue gain to others, as I have often called your attention to the subject, & it is easy to perceive how if I had not been strictly on my guard, that it would have laid the foundation for weighty charges against me. You are also aware of his ungentlemanly & insulting conduct on various occasions rendering intercourse between us impoſsible. — The last case I shall mention is his attempt to criminate me in the charge of fraud brought against Dimitry by saying that I had altered the number of a report, a plain insinuation under existing circumstances that it was done to favor Dimitry.

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‡ Considered the same altho' made on different days, as it was all melted at the same time.

I fully agree with you in the opinion you have expreſsed that he has done every thing in his power to haraſs the Treasurer & his clerks & to throw~~ing~~ every thing into confusion in his office so as to get rid of the clerks & probably the Treasurer — Of these things I have been an eye witneſs for more than twelve months. Let the Treasurer & his clerks however testify to this point.

Respectfully yours
Wm P. Hort
Aſsayer

P.S. I have one fact more to

State in relation to the charge of an excess of Gold. The Melter & Refiner informed me that at the last settlement in Philadelphia when he was there, & when he had charge of the M & R. department, there appeared to be a considerable deficit of Silver, but a corresponding gain of Gold, & that by transferring the Gold to the Silver account, the latter was brought within the legal limits of wastage. I should like to ask the M & R. if on that occasion, he first proposed to restore the Gold that was in excess to the Depositors that had been wronged? Why, if he deems it so necessary to make restitution in N.O. was it not equally necessary in Philadelphia. The case is plain, he had no motive to induce him to attack the Assayer in Philadelphia, & consequently his conscience was not disturbed by the idea of injustice done to Depositors, as it has been in N.O. where the Assayer has been marked out for twelve months past for destruction

Yours
Wm P. H.

The Commissioner directed that the following oath be administered to Dr Short;

Dr Short being sworn by the Notary declared, that all the facts set forth in the preceding# letters marked from 1 to 6. & dated, & dated April 25th 1839, May 13th May 13th May 13th May 14th June 4th 1839 so far as relates to his own acts & doings are true; & so far as said letters contain matters of opinion; or relate to the acts & doings of any other person or persons he believes them to be true.

Mess. Parker & Demitry were severally called upon by the Com=missioner, to prepare their state=ments for Friday next.

It was agreed that Mess. Slidell & Gordon should meet at the office of the Notary on tomorrow 11th inst at 5 o'clock P.M.

Adjourned to Friday next 14th June at 6 o'clock P.M.

Tuesday June 11th 1839.

Mess. Slidell & Gordon met at the Notary's office agreeably to appointment & conferred privately—

I certify the foregoing to be a true copy from the minutes of the proceedings had before the Commissioner, Thos Slidell Esq. on the 10th day of June 1839

In testimony whereof I have hereunto subscribed my name & affixed the impress of my seal of office, at the City of New Orleans on this 5th day of August 1839

Horatio Davis
Not Pub

June 10/39